

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY 4 D.C.
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ROBERT R. DI TROLIO
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MARCUS WADE,

Petitioner,

VS.

GLEN TURNER,

Respondent.

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No. 05-1100-T/An

ORDER OF DISMISSAL

On April 1, 2005, petitioner Marcus Wade filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and an application to proceed *in forma pauperis*. Based on the information contained in the petitioner's affidavit and trust fund account statement, the Court entered an order on April 18, 2005 denying pauper status and ordering petitioner to pay the \$5.00 habeas filing fee within thirty days. The order also warned petitioner that failure to comply would result in the dismissal of the petition, without further notice, for failure to prosecute.

The thirty-day period allowed by the Court has expired, and petitioner has neither paid the \$5.00 filing fee nor sought an extension of time in which to do so. Therefore, the petition is hereby DISMISSED, without prejudice, for failure to prosecute.

IT IS SO ORDERED.

James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE
7 June 2005
DATE

This document entered on the docket sheet in compliance
with Rule 58 and/or 79 (a) FRCP on 6/8/05

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Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 1:05-CV-01100 was distributed by fax, mail, or direct printing on June 8, 2005 to the parties listed.

Marcus Wade
292802
P.O. Box 549
Whiteville, TN 38075

Honorable James Todd
US DISTRICT COURT